

## **EXHIBIT 2**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

LAURIE THOMAS, ALISON KAVULAK,  
JEN MACLEOD, MARY NARVAEZ,  
ALISON FLEISSNER, EMILY  
BIGAOUETTE, LAURA EGGNATZ,  
TERESA HAGMAIER, and NICOLE  
FALLON,

*Individually and on Behalf of All Others  
Similarly Situated,*

Plaintiff,

v.

BEECH-NUT NUTRITION COMPANY,  
  
Defendant.

**Case No. 1:21-cv-0133-TJM-CFH**

LAURA PEEK,

*Individually and on Behalf of All Others  
Similarly Situated,*

Plaintiff,

v.

BEECH-NUT NUTRITION COMPANY,  
Defendant.

**Case No. 1:21-cv-00167-TJM-CFH**

ROBYN MOORE and GABRIELLE STUVE,

*On Behalf of Themselves and All Others  
Similarly Situated,*

Plaintiff,

v.

BEECH-NUT NUTRITION COMPANY,

Defendant.

**Case No. 1:21-cv-00183-TJM-CFH**

MATTIA DOYLE,

*On Behalf of Herself and All Others Similarly  
Situated,*

Plaintiff,

v.

BEECH-NUT NUTRITION CO.,

Defendant.

**Case No. 1:21-CV-00186-TJM-CFH**

LEE BOYD,

*Individually and On Behalf of All Others  
Similarly Situated,*

Plaintiffs,

v.

BEECH-NUT NUTRITION COMPANY,

Defendant.

**Case No. 1:21-cv-00200-TJM-CFH**

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JEREMY CANTOR; ASHLEY ALLEN;  
EMILY BACCARI; KAITLYNN CARSON;  
AMBER CAUDILL; NEISHA DANIELS;  
JILLIAN GEFFKEN; HANNAH GRANDT;  
DOMINICK GROSSI, ANTHONY  
HARRISON; CHRISTINA HOLLAND;  
HEATHER HYDEN; HEATHER  
MCCORMICK; HALEY SAMS; and VITO  
SCAROLA,

*On Behalf of Themselves and All Others  
Similarly Situated,*

Plaintiffs,

v.

BEECH-NUT NUTRITION COMPANY,

Defendant.

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**Case No. 1:21-cv-00213-TJM-CFH**

MICHAEL MOTHERWAY,

*Individually and On Behalf of All Others  
Similarly Situated,*

Plaintiff,

v.

BEECH-NUT NUTRITION COMPANY,

Defendant.

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**Case No. 1:21-cv-00229-TJM-CFH**

KATHEY HENRY,

*Individually and On Behalf of All Others  
Similarly Situated,*

Plaintiff,

v.

BEECH-NUT NUTRITION CO.,

Defendant.

**Case No. 1:21-cv-00227-TJM-CFH**

KELSEY GANCARZ,

*Individually and On Behalf of All Others  
Similarly Situated,*

Plaintiff,

v.

BEECH-NUT NUTRITION CO.,

Defendant.

**Case No. 1:21-cv-00258-TJM-CFH**

ATASHA SMILEY,

*Individually and On Behalf of All Others  
Similarly Situated,*

Plaintiff,

v.

BEECH-NUT NUTRITION CO.,

Defendant.

**Case No. 1:21-cv-00271-TJM-CFH**

NAJAH HENRY, CHANEL JACKSON,  
ALEXIA SIAS, HOLLY BUFFINTON, and  
CONSTANCE VENABLE

Individually and On Behalf of All Others  
Similarly Situated,

Plaintiff,

v.

BEECH-NUT NUTRITION CO.,

Defendant.

**Case No. 1:21-cv-00285-TJM-CFH**

**PLAINTIFFS' STIPULATION [AND PROPOSED ORDER] TO CONSOLIDATE  
ACTIONS UNDER FED. R. CIV. P. 42(a)**

WHEREAS, the above-captioned related proposed consumer class actions are pending before the United States District Court for the Northern District of New York, entitled: *Thomas v. Beech-Nut Nutrition Co.*, Case No. 1:21-cv-00133-TJM-CFH ("*Thomas*"), filed February 5, 2021; *Peek v. Beech-Nut Nutrition Co.*, Case No. 1:21-cv-00167-TJM-CFH ("*Peek*"), filed February 11, 2021; *Moore v. Beech-Nut Nutrition Co.*, Case No. 1:21-cv-00183-TJM-CFH ("*Moore*"), filed February 16, 2021; *Doyle v. Beech-Nut Nutrition Co.*, Case No. 1:21-cv-00186-TJM-CFH ("*Doyle*"), filed February 18, 2021; *Boyd v. Beech-Nut Nutrition Co.*, Case No. 1:21-cv-00200-TJM-CFH ("*Boyd*"), filed February 22, 2021; *Cantor v. Beech-Nut Nutrition Co.*, Case No. 1:21-cv-00213-TJM-CFH ("*Cantor*"), filed February 24, 2021; *Motherway v. Beech-Nut Nutrition Co.*, Case No. 1:21-cv-00229-TJM-CFH ("*Motherway*"), filed February 26, 2021; *Henry v. Beech-Nut Nutrition Co.*, Case No. 1:21-cv-00227-TJM-CFH ("*Henry*"), filed February 26, 2021; *Gancarz v. Beech-Nut Nutrition Co.*, Case No. 1:21-cv-00258-TJM-CFH ("*Gancarz*"), filed March 4, 2021;

*Smiley v. Beech-Nut Nutrition Co.*, Case No. 1:21-cv-00271-TJM-CFH (“*Smiley*”), filed March 9, 2021; and *Henry v. Beech-Nut Nutrition Co.*, Case No. 1:21-cv-00285-TJM-CFH (“*Henry II*”), filed March 11, 2021 (together the “Related Actions”) and collectively all plaintiffs are referred to herein as “Plaintiffs.”

WHEREAS, Plaintiffs assert the Related Actions arise out of the same set of operative facts and assert similar legal claims against Defendant Beech-Nut Nutrition, Co. (“Beech-Nut” or “Defendant”), alleging that Beech-Nut has engaged in deceptive trade practices with respect to the marketing and sale of its baby food products (the “Baby Foods”) by failing to disclose that they contain levels of toxic heavy metals, including arsenic, lead, cadmium, and mercury (the “Heavy Metals”);

WHEREAS, Plaintiffs assert that each Related Action seeks, *inter alia*, injunctive relief barring Beech-Nut from continuing the deceptive practices it is accused of as well as monetary damages compensating Plaintiffs and other consumers for the purchase of the Baby Foods;

WHEREAS, Plaintiffs in each Related Action agree that consolidation of the Related Actions under Fed. R. Civ. P. 42(a) is appropriate because Plaintiffs contend they involve common questions of law and fact, arise from the same events, name the same Defendant, and will involve substantially the same discovery;

WHEREAS, consolidation under Rule 42(a) will eliminate duplicative discovery and the possibility of inconsistent rulings on class certification, *Daubert* motions, and other pretrial matters, and conserve judicial and party resources;

WHEREAS, Beech-Nut has advised the undersigned counsel for *Thomas* that although Beech-Nut vigorously disputes the merits of the allegations proffered against it in these lawsuits, Beech-Nut will not oppose consolidation of the lawsuits Plaintiffs describe as “Related Actions”

under Fed. R. Civ. P. 42(a), while expressly reserving all of its rights, remedies, defenses, objections, and legal arguments;

NOW THEREFORE, the Plaintiffs through their respective counsel and subject to the Court's approval hereby stipulate that:

1. The *Thomas, Peek, Moore, Doyle, Boyd, Cantor, Motherway, Henry, Gancarz, Smiley* and *Henry II* actions currently pending in the Northern District of New York and any other action arising out of the same or similar operative facts now pending or hereafter filed in, removed to, or transferred to this District shall be consolidated pursuant to Fed. R. Civ. P. 42(a) before the Honorable Thomas J. McAvoy (hereafter the "Consolidated Action").

2. All papers filed in the Consolidated Action shall be filed under Case No. 1:21-cv-00133-TJM-CFH and shall bear the following caption:

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

*IN RE: BEECH-NUT NUTRITION COMPANY  
BABY FOOD LITIGATION*

**Master File No. 1:21-cv-00133-TJM-  
CFH**

This Document Relates To:

\_\_\_\_\_/

3. The case file for the Consolidated Action will be maintained under Master File No. 1:21-cv-00133-TJM-CFH. When a pleading is intended to apply to all actions to which this Order applies, the words "All Actions" shall appear immediately after the words "This Document Relates



To:” in the caption described above. When a pleading is not intended to apply to all actions, the docket number for each individual action to which the paper is intended to apply and the last name of the first-named plaintiff in said action shall appear immediately after the words “This Document Relates To:” in the caption identified above, for example, “1:21-cv-00133-TJM-CFH (*Thomas*).”

4. Any action subsequently filed, transferred or removed to this Court that the Court determines arises out of the same or similar operative facts as the Consolidated Action will be, with the Court’s approval, consolidated with the Consolidated Action for pre-trial purposes. Any party may file a Notice of Related Action pursuant to N.D.N.Y. Gen. Order No. 12 whenever a party believes a case that should be consolidated into this action is filed in, or transferred to, this District. If the Court determines that the case is related and should be consolidated, the clerk shall:

- a. place a copy of this Order in the separate file for such action;
- b. serve on Plaintiffs’ counsel in the new case a copy of this Order;
- c. direct that this Order be served upon defendants in the new case; and
- d. make the appropriate entry in the Master Docket.

5. Beech-Nut need not file a response to the complaint in each Related Action and instead shall answer, move or otherwise respond to any Consolidated Complaint no later than sixty (60) days following service of the Consolidated Complaint, or by no later than May 15, 2021, whichever is later.

**IT IS SO STIPULATED.**

Dated: March 16, 2021

Respectfully submitted,

s/ Kevin Landau

Kevin Landau

Miles Greaves

**TAUS, CEBULASH & LANDAU, LLP**

80 Maiden Lane, Suite 1204  
New York, NY 10038  
(212) 931-0704

Daniel E. Gustafson  
Amanda M. Williams  
Raina C. Borrelli  
Mary M. Nikolai  
**GUSTAFSON GLUEK PLLC**  
Canadian Pacific Plaza  
120 South Sixth Street, Suite 2600  
Minneapolis, MN 55402  
Tel: (612) 333-8844  
[dgustafson@gustafsongluek.com](mailto:dgustafson@gustafsongluek.com)  
[awilliams@gustafsongluek.com](mailto:awilliams@gustafsongluek.com)  
[rborrelli@gustafsongluek.com](mailto:rborrelli@gustafsongluek.com)  
[mnikolai@gustafsongluek.com](mailto:mnikolai@gustafsongluek.com)

Kenneth A. Wexler  
Kara A. Elgersma  
**WEXLER WALLACE, LLP**  
55 West Monroe, Suite 3300  
Chicago, Illinois 60603  
Tel: (312) 346-2222  
[kaw@wexlerwallace.com](mailto:kaw@wexlerwallace.com)  
[kae@wexlerwallace.com](mailto:kae@wexlerwallace.com)

Simon B. Paris  
Patrick Howard  
**SALTZ, MONGELUZZI, &  
BENDESKY, P.C.**  
1650 Market Street, 52nd Floor  
Philadelphia, PA 19103  
P: 215-575-3895  
[sparis@smbb.com](mailto:sparis@smbb.com)  
[phoward@smbb.com](mailto:phoward@smbb.com)

Attorneys for Plaintiffs in *Thomas v. Beech-  
Nut Nutrition Co.*, Case No. 1:21-cv-0133-  
TJM-CFH

s/ Charles J. LaDuca

Charles LaDuca  
Katherine Van Dyck  
C. William Frick  
**CUNEO GILBERT & LADUCA, LLP**  
4725 Wisconsin Avenue NW, Suite 200  
Washington, DC 20016  
Telephone: (202) 789-3960  
Facsimile: (202) 789-1813  
E-mail: [charles@cuneolaw.com](mailto:charles@cuneolaw.com)  
[kvandyck@cuneolaw.com](mailto:kvandyck@cuneolaw.com)  
[bill@cuneolaw.com](mailto:bill@cuneolaw.com)

Attorneys for Plaintiff in *Peek v. Beech-Nut Nutrition Co.*, Case No. 1:21-cv-00167-

**LOCKRIDGE GRINDAL NAUEN P.L.L.P.**  
Robert K. Shelquist  
Rebecca A. Peterson  
100 Washington Avenue South, Suite 2200  
Minneapolis, MN 55401  
Telephone: (612) 339-6900  
Facsimile: (612) 339-0981  
E-mail: [rkshelquist@locklaw.com](mailto:rkshelquist@locklaw.com)  
[rapeterson@locklaw.com](mailto:rapeterson@locklaw.com)

**LITE DEPALMA GREENBERG, LLC**  
Joseph DePalma  
Susana Cruz Hodge  
570 Broad Street, Suite 1201  
Newark, NJ 07102  
Telephone: (973) 623-3000  
E-mail: [jdepalma@litedepalma.com](mailto:jdepalma@litedepalma.com)  
[scrzhodge@litedepalma.com](mailto:scrzhodge@litedepalma.com)

TJM-ML

/s/ Lori G. Feldman

Lori G. Feldman, Esq. (LF-3478)  
**GEORGE GESTEN MCDONALD, PLLC**  
102 Half Moon Bay Drive  
Croton-on-Hudson, New York 10520  
Phone: (917) 983-9321  
Fax: (888) 421-4173  
Email: [LFeldman@4-justice.com](mailto:LFeldman@4-justice.com)  
E-Service: [eService@4-Justice.com](mailto:eService@4-Justice.com)

David J. George, Esq.  
Brittany L. Brown, Esq.  
**GEORGE GESTEN MCDONALD,  
PLLC**  
9897 Lake Worth Road, Suite #302  
Lake Worth, FL 33467  
Phone: (561) 232-6002  
Fax: (888) 421-4173  
Email: [DGeorge@4-Justice.com](mailto:DGeorge@4-Justice.com)  
E-Service: [eService@4-Justice.com](mailto:eService@4-Justice.com)

Janine L. Pollack, Esq.  
Michael Liskow, Esq.  
**CALCATERRA POLLACK LLP**  
1140 Avenue of the Americas  
9th Floor  
New York, New York 10036  
Phone: (917) 899-1765  
Fax: (332) 206-2073  
Email: [jpollack@calcaterrapollack.com](mailto:jpollack@calcaterrapollack.com)  
Email: [mliskow@calcaterrapollack.com](mailto:mliskow@calcaterrapollack.com)

Attorneys for Plaintiff in *Moore v. Beech-Nut Nutrition Co.*, Case No. 1:21-cv-00183-TJM-CFH

*s/ Jonathan Tycko*  
Jonathan K. Tycko Bar Number: 517275  
Hassan A. Zavareei (*pro hac vice*)  
Allison W. Parr (*pro hac vice*)  
**TYCKO & ZAVAREEI LLP**  
1828 L Street, NW Suite 1000  
Washington, DC 20036  
Telephone: (202) 973-0900  
Facsimile: (202) 973-0950  
[jtycko@tzlegal.com](mailto:jtycko@tzlegal.com)  
[hzavareei@tzlegal.com](mailto:hzareei@tzlegal.com)  
[aparr@tzlegal.com](mailto:aparr@tzlegal.com)

Annick M. Persinger (*pro hac vice*)  
**TYCKO & ZAVAREEI LLP**  
1970 Broadway, Suite 1070

Oakland, CA 94612  
Telephone: (510) 254-6808  
Facsimile: (202) 973-0950  
[apersinger@tzlegal.com](mailto:apersinger@tzlegal.com)

Attorneys for Plaintiff in *Doyle v. Beech-Nut Nutrition Co.*, Case No. 1:21-cv-00186-TJM-CFH

s/ Terry J. Kirwan, Jr.  
Terry J. Kirwan, Jr.  
Bar Roll #: 501821  
**KIRWAN LAW FIRM, P.C.**  
100 Madison Street  
AXA Tower I, 15th Floor  
Syracuse, New York 13202  
T: (315) 452-2443  
F: (315) 671-1550  
Email: [tkirwan@kirwanlawpc.com](mailto:tkirwan@kirwanlawpc.com)

Jeffrey A. Barrack  
**BARRACK, RODOS & BACINE**  
3300 Two Commerce Square  
2001 Market Street  
Philadelphia, PA 19103  
T: (215) 963-0600  
F: (215) 963-0838  
[jbarrack@barrack.com](mailto:jbarrack@barrack.com)

Michael A. Toomey  
**BARRACK, RODOS & BACINE**  
Eleven Times Square  
640 8th Avenue, 10th Floor  
New York, NY 10036  
T: (212) 688-0782  
F: (212) 688-0783  
[mtoomey@barrack.com](mailto:mtoomey@barrack.com)

Stephen R. Bassar  
**BARRACK, RODOS & BACINE**  
One America Plaza  
600 West Broadway, Suite 900  
San Diego, CA 92101  
T: (619) 230-0800  
F: (619) 230-1874

[sbasser@barrack.com](mailto:sbasser@barrack.com)

John G. Emerson  
**EMERSON FIRM, PLLC**  
2500 Wilcrest, Suite 300  
Houston, TX 77042  
T: (800)-551-8649  
F: (501)-286-4659  
[jemerson@emersonfirm.com](mailto:jemerson@emersonfirm.com)

Christopher D. Jennings  
(AR Bar No. 2006306)  
**JOHNSON FIRM**  
610 President Clinton Avenue, Suite 300  
Little Rock, Arkansas 72201  
T: (501) 372-1300  
F: (888) 505-0909  
[chris@yourattorney.com](mailto:chris@yourattorney.com)

Attorneys for Plaintiff in *Boyd v. Beech-Nut Nutrition Co.*, Case No. 1:21-cv-00200-TJM-CFH

/s/ Innessa M. Huot  
Innessa M. Huot (Bar Roll #519963)  
**FARUQI & FARUQI, LLP**  
685 Third Avenue, 26th Floor  
New York, NY 10017  
Telephone: (212) 983-9330  
Facsimile: (212) 983-9331  
[ihuot@faruqilaw.com](mailto:ihuot@faruqilaw.com)

Steven L. Bloch  
Ian W. Sloss  
Zachary Rynar  
**SILVER GOLUB & TEITELL LLP**  
184 Atlantic Street  
Stamford, CT 06901  
Telephone: (203) 325-4491  
Facsimile: (203) 325-3769  
[sbloch@sgtlaw.com](mailto:sbloch@sgtlaw.com)  
[isloss@sgtlaw.com](mailto:isloss@sgtlaw.com)  
[zrynar@sgtlaw.com](mailto:zrynar@sgtlaw.com)

Attorneys for Plaintiffs in *Cantor v. Beech-Nut Nutrition Co.*, Case No. 1:21-cv-00213-TJM-CFH

/s/ Jason P. Sultzer

Jason P. Sultzer

Joseph Lipari

Daniel Markowitz

Mindy Dolgoff

**THE SULTZER LAW GROUP P.C.**

85 Civic Center Plaza, Suite 200

Poughkeepsie, New York 12601

Telephone: (845) 483-7100

Facsimile: (888) 749-7747

Michael R. Reese

Sue J. Nam

Carlos F. Ramirez

**REESE LLP**

100 West 93rd Street, 16th Floor

New York, New York 10025

Telephone: (212) 643-0500

Facsimile: (212) 253-4272

James R. Peluso

**DREYER BOYAJIAN LLP**

75 Columbia Street

Albany, New York 12210

Telephone: (518) 463-7784

Facsimile: (518) 463-4039

Attorneys for Plaintiff in *Motherway v. Beech-Nut Nutrition Co.*, Case No. 1:21-cv-00229-TJM-CFH

/s/ Gary E. Mason

Gary E. Mason

David K. Lietz

**MASON LIETZ & KLINGER LLP**

5101 Wisconsin Avenue NW, Suite 305

Washington, DC 20016

Phone: (202) 429-2990

Fax: (202) 429-2294

[gmason@masonllp.com](mailto:gmason@masonllp.com)

[dlietz@masonllp.com](mailto:dlietz@masonllp.com)

Jonathan Shub  
Kevin Laukaitis  
**SHUB LAW FIRM LLC**  
134 Kings Highway East, 2nd Floor  
Haddonfield, NJ 08033  
Phone: (856) 772-7200  
Fax: (856) 210-9088  
[jshub@shublawayers.com](mailto:jshub@shublawayers.com)  
[klaukaitis@shublawayers.com](mailto:klaukaitis@shublawayers.com)

Charles E. Schaffer  
David C. Magagna Jr.  
**LEVIN, SEDRAN & BERMAN, LLP**  
510 Walnut Street, Suite 500  
Philadelphia, PA 19106  
[cschaffer@lfsblaw.com](mailto:cschaffer@lfsblaw.com)  
[dmagagna@lfsblaw.com](mailto:dmagagna@lfsblaw.com)

Jeffrey S. Goldberg  
**GOLDENBERG SCHNEIDER L.P.A.**  
4445 Lake Forest Drive, Suite 490  
Cincinnati, OH 45242  
[jgoldenberg@gs-legal.com](mailto:jgoldenberg@gs-legal.com)

Gary M. Klinger  
**MASON LIETZ & KLINGER LLP**  
227 W. Monroe Street, Suite 2100  
Chicago, IL 60606  
Phone: (202) 429-2290  
Fax: (202) 429-2294  
[gklinger@masonllp.com](mailto:gklinger@masonllp.com)

Attorneys for Plaintiff in *Henry v. Beech-Nut Nutrition Co.*, Case No. 1:21-cv-00227-TJM-CFH

/s/Spencer Sheehan  
Spencer Sheehan  
**SHEEHAN & ASSOCIATES, P.C.**  
60 Cutter Mill Rd Ste 409  
Great Neck NY 11021-3104  
Tel: (516) 268-7080  
Fax: (516) 234-7800



[spencer@spencersheehan.com](mailto:spencer@spencersheehan.com)

Attorney for Plaintiff in *Gancarz v. Beech-Nut Nutrition Co.*, Case 1:21-cv-00258-TJM-CFH

/s/ Gary S. Graifman

Gary S. Graifman  
**KANTROWITZ, GOLDHAMER &  
GRAIFMAN, P.C.**  
135 Chestnut Ridge Road, Suite 200  
Montvale, New Jersey 07645  
T: 845-356-2570  
F: 845-356-4335  
[ggraifman@kgglaw.com](mailto:ggraifman@kgglaw.com)

Melissa R. Emert  
**KANTROWITZ, GOLDHAMER &  
GRAIFMAN, P.C.**  
747 Chestnut Ridge Road, Suite 200  
Chestnut Ridge, New York 10977  
T: 845-356-2570  
F: 845-356-4335  
[memert@kgglaw.com](mailto:memert@kgglaw.com)

Attorneys for Plaintiff in *Smiley v. Beech-Nut Nutrition Co.*, Case 1:21-cv-00271-TJM-CFH

s/ Kevin Landau

Kevin Landau  
Miles Greaves  
**TAUS, CEBULASH & LANDAU, LLP**  
80 Maiden Lane, Suite 1204  
New York, NY 10038  
(212) 931-0704

Marc H. Edelson\* EDELSON LECHTZIN  
LLP 3 Terry Drive, Suite 205 Newtown, PA  
18940 Tel: 215-867-2399 (work)  
[Medelson@edelson-law.com](mailto:Medelson@edelson-law.com)

Joshua H. Grabar\* GRABAR LAW  
OFFICE One Liberty Place 1650 Market

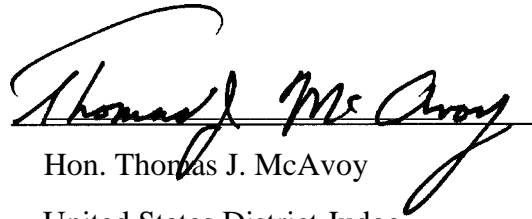
Street, Suite 3600 Case 1:21-cv-00285-  
TJM-CFH Document 1 Filed 03/11/21 Page  
62 of 63 63 Philadelphia, PA 19103 Tel:  
(267) 507-6085 Fax: (267) 507-6048  
Jgrabar@grabarlaw.com

Attorneys for Plaintiffs in *Henry v. Beech-  
Nut Nutrition Co.*, Case 1:21-cv-00285-  
TJM-CFH

**[PROPOSED] ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED**

Date: 3/19/2021

A handwritten signature in black ink, reading "Thomas J. McAvoy", is written over a horizontal line.

Hon. Thomas J. McAvoy

United States District Judge